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Mr. SAMI VENKATACHALAM CHETTI :—"Were the villagers present before the police appeared?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"I have no information."

Mr. ABDUL HAMEED KHAN :—"May I enquire whether that garden was not two miles away from the town?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"Yes."

Mr. ABDUL HAMEED KHAN :—"Then why did the police fear that that assembly was a danger to public safety or peace?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"They were concerting measures to obstruct the ordinary administration of the Government."

Mr. SAMI VENKATACHALAM CHETTI :—"Granting that, how is it illegal? Had the Government promulgated section 144 there?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"It was not necessary. The police have got power under sections 127 and 128 of the Criminal Procedure Code."

Mr. A. RANGANATHA MUDALIYAR :—"May I know if the hon. Member is sure that the police officers had no sharp weapons in their possession, with which they could have cut the tyres?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"Yes."

Civil Justice

Removal of the bar of 13 years' service for increments to Sub-Judges.

*185 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) how many of the District Munsifs have sent memorials to Government asking for a modification of G.O. No. 2264, Law (General), dated the 14th September 1922;

(b) whether the High Court has recommended the removal of the time-limit of 13 years of permanent service as a District Munsif imposed by the said Government Order for an acting Sub-Judge to draw increments; and

(c) whether the Government have considered this matter and arrived at any decision?

A.—(a) Six District Munsifs.

(b) The High Court recommended that instead of 13 years of permanent service a continuous service of 15 years after appointment as a District Munsif, whether acting or permanent, might be fixed as a condition for earning increments in the time-scale of pay allowed for Sub-Judges.

(c) Government have considered the proposal and have dropped it for the present owing to financial stringency.

Mr. V. P. NARAYANAN NAMBIYAR :—"May I ask whether the Government were made aware by a memorial of the Judicial Officers that the Government Order is ultra vires it having been passed when the Fundamental Rules were in force?"

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The order is not ultra vires."

Mr. V. P. NARAYANAN NAMBIYAR :—" May I know whether the Government are aware that the order is working great hardships and inequalities ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" It cannot be said that the order is working much hardship and inequalities. Some District Munsifs think that it works hardship."

Mr. V. P. NARAYANAN NAMBIYAR :—" May I ask whether the Government will sympathetically consider the question after the present financial stringency ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, Sir."

Criminal Justice

Convictions under the Criminal Law Amendment Act.

*186-A *Q.*—Mr. A. B. SHETTY : Will the hon. the Law Member be pleased to state—

(*a*) how many persons have been convicted on the ground that they were members of Congress organizations declared to be unlawful ; 11-15 a.m.

(*b*) how many of them are now undergoing sentence in jails ; and

(*c*) whether the Government have examined or propose to examine the legality involved in these convictions in the light of the judgments recently delivered by the Chief Justice and Mr. Justice Murphy of the Bombay High Court in similar cases arising from the conviction of three Congressmen under the Criminal Law Amendment Act ?

A.—(*a*) & (*b*) The Government have no information as to the number of persons convicted of being members of an association declared to be unlawful or of those still undergoing imprisonment.

(*c*) The Code of Criminal Procedure contains provisions enabling the High Court of this Presidency to review such cases, either on its own motion or on the motion of the parties concerned. It is therefore unnecessary for the Government to move in the matter.

Mr. A. RANGANATHA MUDALIYAR :—" It is stated in clause (*c*) of the answer that the High Court can review such cases either on its own motion or on the motion of the parties concerned. I want to know whether the Government are not a party to this case ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Government are a party in all criminal cases. And Government are a party in these cases only in that sense."

Mr. A. RANGANATHA MUDALIYAR :—" Are the Government aware, Sir, that the people concerned in these cases are pledged not to take part in the proceedings of the court, nor to put in any defence for themselves ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I do not know that, Sir. Some persons do put in their defence."

Mr. A. RANGANATHA MUDALIYAR :—" Is there any objection to the Government themselves taking these cases to the High Court ? "